IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 33598 of 2006(Y)

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PETITIONER:

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VINEETHA ASHOK, W/O. ASHOK KUMAR,
DIRECTOR, A.V.J.BUILDING PVT. LTD.,
IRINGOLE P.O., ASHOK BHAVAN, B.D.C.ROAD,
PERUMBAVOOR, ERNAKULAM DISTRICT.

BY ADV. SRI.T.N.ARUNKUMAR (PERUMBAVOOR)
SRI.N.MAHESH

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUPERINTENDENT OF POLICE,
KOTTAYAM.

3. THE SUB INSPECTOR OF POLICE,
PERUMBAVOOR.

4. V.MOHANAN, (P.W.D. CONTRACTOR),
S/O. VELAYUDHAN, PATHRAMALI HOUSE,
MARIKKAR ROAD, PERUMBAVOOR, ERNAKULAM.

5. THE SUPERINTENDING ENGINEER,
NATIONAL HIGH WAYS, VYTTILA, ERNAKULAM.

BY GOVERNMENT PLEADER SRI.PUZHAKKARA MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**R.BASANT, J.**

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**W.P.C.NO.33598 OF 2006**

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Dated this the 21st day of December, 2006.

**JUDGMENT**

The petitioner has come to this Court with the grievance that the police are not taking any effective and lawful steps to investigate into a complaint filed by him. The complaint was filed before the learned Magistrate. The same was referred to the police under Section 156(3) Cr.P.C. A crime was registered alleging commission of the offences punishable under Sections 406, 420, 465 & 468 I.P.C. The crux of the grievance of the petitioner is that proper investigation is not being conducted. The learned Government Pleader on instructions submits that a crime has been registered by the police as is evident from Ext.P3. Proper investigation is being conducted. Needful shall be done in the matter. There is no necessity for any specific or particular direction regarding the investigation, submits the learned Government Pleader.

2. The 4th respondent has also entered appearance. He is the accused shown in the F.I statement. I shall scrupulously avoid any detailed discussion on merits about the acceptability of the rival contentions. Suffice it to say that I do not find any need

justifying or warranting issue of any specific directions regarding the manner in which the investigation is to be conducted.

3. The learned counsel for the petitioner submits that unless directions are issued for seizure of the machineries in question, great prejudice and hardship will be suffered. It is for the Investigator to conduct a proper investigation. If the investigator feels in the course of such investigation that the machineries to be seized, the Investigator has ample power under the Code of Criminal Procedure to do that. I am not persuaded to agree from the materials placed before the Court , any direction to effect seizure, deserves to be issued by this Court.

4. This Writ Petition is, in these circumstances, dismissed. But I may hasten to observe that the investigators must expeditiously complete the investigation and file appropriate report before the learned Magistrate.

**R.BASANT**
**JUDGE**

rtr/